

AMENDED IN ASSEMBLY APRIL 23, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1599

**Introduced by Committee on Education (Assembly Members
Buchanan (Chair), Olsen (Vice Chair), Chávez, Gonzalez,
Nazarian, Weber, and Williams)**

February 5, 2014

An act to amend ~~Section 17047 of~~ Sections 5033, 17047, 33540, 35576, 35710.51, 35782, 35783, 35786, 42281, 49558, 52060, 56043, 56366.1, 56440, 60603, 60604, 60607, 60611, 60630, 60640, 60641, 60643, 60643.6, 60648, and 60810 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, and to repeal and add Section 56363.5 of, the Education Code, relating to ~~special~~ education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Committee on Education. ~~Special education facilities; disability references. Education: omnibus bill.~~

Existing

(1) *Existing* law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law requires the allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils to be negotiated and approved by the State Allocation Board, as provided. Existing law prescribes the maximum square footage for those facilities by special day class basic need, including, among

other basic needs, the maximum square footage for mildly mentally retarded and severely mentally retarded special education pupils.

This bill would change references in these provisions from mildly mentally retarded and severely mentally retarded to mildly intellectually disabled and severely intellectually disabled, respectively.

(2) Existing law requires the State Board of Education and the State Department of Education to request the Instructional Quality Commission to review and revise, as necessary, the course requirements in the history-social science framework to ensure that minimum standards for courses in American government and civics include certain matters.

This bill would additionally require the commission, when revising the history-social science framework, to ensure that these course requirements are also included in all history and social science courses and grade levels, as appropriate. The bill would, among other things, also require the commission, whenever the history-social science framework is revised, to receive input from civics learning experts for the purpose of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified, and ensure that voter education information is included in the American government and civics curriculum at the high school level, as specified.

(3) Existing law specifies the circumstances under which the State Board of Education or a county committee on school district reorganization may approve proposals or petitions for the reorganization of school districts. After the state board has approved plans and recommendations or a county committee has approved a petition for the unification or other reorganization of school districts, existing law requires the secretary of the state board or the county committee to give notice to a specified county superintendent of schools. Within 35 days of receiving that notification from the state board, existing law provides for the county superintendent of schools to call an election, to be conducted at the next election of any kind, or in the case of a notice from a county committee, at the next regular election, in the territory of the districts as determined by the state board or the county committee.

This bill would instead require a county superintendent of schools, if notified by a county committee, to call the election at next election of any kind, in accordance with specified requirements.

(4) Existing law provides that a school district that has been organized for more than 3 years shall be lapsed, as defined, if certain conditions occur. Within 30 days after the close of each school year, existing law requires the county committee on school district reorganization to conduct a public hearing to determine if those conditions have been met. After the hearing, existing law requires the county committee to order the territory annexed to one or more adjoining districts, as specified. Existing law provides that an order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.

This bill would, among other things, instead require the county committee to conduct the public hearing within 45 days before the close of each school year, and would require the county committee to order the territory annexed after the hearing and at least 30 days before the close of the school year. The bill would, among other things, make the county committee's order effective on the July 1 after the date of the order, as specified. To the extent these changes would impose a higher level of service on local officials, the bill would create a state-mandated local program.

(5) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils. Existing law provides that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program. Notwithstanding that restriction, existing law authorizes a public officer or agency to allow the use by certain school district employees of records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of, among other things, the disaggregation of academic data.

This bill would, among other things, additionally authorize the release of eligibility information on enrolled pupils participating in the free or reduced-price meal program to the Superintendent of Public Instruction

for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding, as provided.

(6) Existing law requires that every individual with exceptional needs, as defined, who is eligible to receive special education instruction and related services be provided with that instruction and those services at no cost to his or her parent or guardian or, as appropriate, to him or her. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. Existing law authorizes local educational agencies to seek, either directly or through the pupil's parents or guardians, reimbursement from insurance companies to cover the costs of related services, in accordance with specified federal regulations.

This bill would delete that authorization and would instead authorize a public agency, if an individuals with exceptional needs is covered by public benefits or insurance, to use Medicaid, other public benefits, or insurance programs in which a pupil participates to provide or pay for certain services required by law if the agency provides written notification to the pupil's parents and obtains written parental consent, as provided.

(7) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law also requires the nonpublic, nonsectarian school or agency that is applying for certification to submit, on a form developed by the State Department of Education, a signed verification by local educational agency representatives that they have been notified of the intent to certify or renew certification. Existing law requires the department to mail renewal application materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the expiration date of their current certification.

This bill would require the local educational agency to send the applicant an acknowledgment, rather than a signed verification, as

specified. The bill would delete the provision requiring the department to mail renewal application materials, and instead require the department to provide electronic notification of the availability of these materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the date their current certification expires.

(8) Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

This bill would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP), and would make conforming changes.

(9) Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires pupils in kindergarten and first grade to be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Existing law requires an early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2014, whichever occurs first.

This bill would instead require this early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

(10) This bill also would make various nonsubstantive changes, delete obsolete provisions, and update cross-references.

(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

SECTION 1. Section 5033 of the Education Code is amended to read:

5033. ~~No~~A member of the governing board of ~~any district included a district~~ wholly or partially included in a unified school district formed under the provisions of Chapter 2 ~~(commencing with Section 4200) of Part 3 of this division 4 (commencing with Section 35700) of Part 21 of Division 3 of Title 2~~ shall not be a member of the governing board of the unified school district unless elected ~~thereto~~ *to that governing board.*

~~SECTION 1.~~

SEC. 2. Section 17047 of the Education Code is amended to read:

17047. (a) The allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils shall be negotiated and approved by the board, with any necessary assistance to be provided by the Special Education Division of the State Department of Education. The square footage allowances shall be computed within the maximum square footage set forth in the following schedule:

Special Day Class Basic Need	Grade Levels	Load- ing*	Square Footage
Nonsevere Disability —Specific Learning Disability	All	12	1080
—Mildly Intellectually Disabled	All	12	1080
—Severe Disorder of Language	All	10	1080
Severe Disability —Deaf and Hard of Hearing	All	10	1080
—Visually Impaired	All	10	1330 (1080 + 250 storage)
—Orthopedically and Other Health Im- paired	All	12	2000 (1080 + 400 toilets + 250 storage + 270 daily living skills)

1				+ 3000 therapy + 750 therapy per
2				additional classroom)
3	—Autistic	All	6	1160 (1080 + 80 toilets)
4	—Severely Emotion-			
5	ally Disturbed	All	6	1160 (1080 + 80 toilets)
6				
7	—Severely Intellectually	Elem.	12	1750 (1080 + 400 toilets + 270
8	Disabled			daily living skills)
9		Secon.		2150 (1080 + 400 toilets + 270
10				daily living skills + 400
11				vocational)
12	—Developmentally			
13	Disabled	All	10	2000 (1080 + 400 toilets + 250
14				storage + 270 daily living skills
15				+ 3000 therapy** + 750 therapy
16				per additional CR)
17	—Deaf-Blind/Multi	All	5	1400 (1080 + 200 storage + 150
18				toilets)

19						
20					Square	
21				Pupils	Feet	
22	Resource Specialist Program	All Maximum caseload		1–8	240	
23	for those pupils with disabling	for RS is 28, not all		9–28	480	
24	conditions whose needs have	served at same time.		29–37	720	
25	been identified by the			38–56	960	
26	Individualized Education			57–65	1200	
27	Program (IEP) Team, who			66–85	1440	
28	require special education for a			86–94	1680	
29	portion of the day, and who are			95–112	1920	
30	assigned to a regular classroom					
31	for a majority of the					
32	school day.***					

33

34 *Special pupils may usually be grouped without

35 accordance to type, especially in smaller districts or

36 where attendance zones may indicate, to maximize

37 loadings per classroom where there are children with

38 similar educational needs (Sec. 56364 or 56364.2, as

39 applicable).

40

1 **Therapy add-ons not to be provided if on same site
2 as orthopedically impaired.

3
4 *** To a maximum of 4 percent of the unhoused
5 average daily attendance of the district, per new school
6 or addition, to a maximum of 1920 square feet.

7
8 (b) The allowable new building area shall be computed by
9 dividing the number of eligible pupils by the minimum required
10 loading per classroom for special day classes for the type of pupils
11 to be enrolled. No new or additional facility shall be provided for
12 special day classes unless the number of additional eligible pupils
13 equals one-third or more of the minimum required loading.

14 *SEC. 3. Section 33540 of the Education Code is amended to*
15 *read:*

16 33540. (a) The state board and the department shall request
17 that the commission review and revise, as necessary, the course
18 requirements in the history-social science framework developed
19 by the History-Social Science Curriculum Framework and Criteria
20 Committee of the state board to ensure that minimum standards
21 for courses in American government and civics include sufficient
22 attention to teaching pupils how to interact, in a practical manner,
23 with state and local governmental agencies and representatives to
24 solve problems and to petition for changes in laws and ~~procedures~~.
25 *procedures, and that these course requirements are also included*
26 *in all history and social science courses and grade levels, as*
27 *appropriate.*

28 (b) ~~When~~ *Whenever* the history-social science framework is
29 revised as required by law, the commission shall do, as appropriate
30 and based on the subject matter of the course, all of the following:

31 (1) *Receive input from civics learning experts, including civics*
32 *education program providers, associations of civics educators,*
33 *and organizations dedicated to research on civics learning, for*
34 *the purpose of integrating civics learning content, concepts, and*
35 *skills, at all appropriate grade levels, with the standards*
36 *established by the state board in core curriculum areas, as*
37 *specified in Sections 60605, as that section read on June 30, 2011,*
38 *and 60605.8.*

39 (2) *Consider how civics and history instruction, at all*
40 *appropriate grade levels, includes, in addition to the acquisition*

1 *of content knowledge, the application of that content to develop*
2 *the competence and skills needed for civic engagement.*

3 *(3) Ensure that voter education information is included in the*
4 *American government and civics curriculum at the high school*
5 *level, including, but not limited to, information on the importance*
6 *of registering to vote in local, state, and federal elections, how to*
7 *register to vote, both online and by mail, what the requirements*
8 *are to register to vote, how to request an absentee ballot, how to*
9 *fill out and return an absentee ballot, what to expect on election*
10 *day, how to find a polling place, and where and how to access and*
11 *understand the voter information pamphlet and other materials*
12 *to become an informed voter.*

13 ~~(4)~~

14 *(4) Ensure the following historical documents are incorporated*
15 *in the framework:*

16 *(A) The Declaration of Independence.*

17 *(B) The United States Constitution, including the Bill of Rights.*

18 *(C) The Federalist Papers.*

19 *(D) The Emancipation Proclamation.*

20 *(E) The Gettysburg Address.*

21 *(F) George Washington's Farewell Address.*

22 ~~(2)~~

23 *(5) Consider incorporating the following historical documents*
24 *into the framework:*

25 *(A) The Magna Carta.*

26 *(B) The Articles of Confederation.*

27 *(C) The California Constitution.*

28 ~~(3)~~

29 *(6) Encourage instruction that promotes an understanding of*
30 *the governments of California and the United States of America,*
31 *including, but not limited to, the development of democracy and*
32 *the history of the development of the United States Constitution.*

33 *(c) It is the intent of the Legislature, for purposes of only the*
34 *history-social science framework that is revised subsequent to the*
35 *effective date of the act that amended this section in the second*
36 *year of the 2013–14 Regular Session, that the requirements*
37 *imposed pursuant to paragraphs (1), (2), and (3) of subdivision*
38 *(b) may be satisfied under the framework adoption procedures*
39 *currently being utilized by the department as of January 1, 2015.*

1 *SEC. 4. Section 35576 of the Education Code is amended to*
2 *read:*

3 35576. (a) ~~When~~*If* territory is taken from one district and
4 annexed to, or included in, another district or a new district by any
5 procedure and the area transferred contains ~~public school buildings~~
6 ~~or~~ *real property*, the district to which the territory is annexed shall
7 take possession of the ~~building and equipment~~ *real property*,
8 *pursuant to paragraph (1) of subdivision (a) of Section 35560*, on
9 the day when the annexation becomes effective for all purposes.
10 The territory transferred shall cease to be liable for the bonded
11 indebtedness of the district of which it was formerly a part and
12 shall automatically assume its proportionate share of the
13 outstanding bonded indebtedness of any district of which it
14 becomes a part.

15 (b) The acquiring district shall ~~pay the original district the~~
16 ~~greatest~~ *be liable for the greater* of the amounts determined under
17 provisions of paragraphs (1) or ~~(2)~~ (2), or the amount determined
18 pursuant to a method prescribed under Section 35738.

19 (1) The proportionate share of the outstanding bonded
20 indebtedness of the original district, which proportionate share
21 shall be in the ratio ~~which~~ *that* the total assessed valuation of the
22 transferring territory bears to the total assessed valuation of the
23 original district in the year immediately preceding the date on
24 which the annexation is effective for all purposes. This ratio shall
25 be used each year until the bonded indebtedness for which the
26 acquiring district is liable has been repaid.

27 (2) ~~That~~ *The* portion of the outstanding bonded indebtedness of
28 the original district ~~which~~ *that* was incurred for the acquisition or
29 improvement of ~~school lots or buildings,~~ *real property*, or fixtures
30 located ~~therein,~~ *on the real property*, and situated in the territory
31 transferred.

32 (c) The county board of supervisors shall compute for the
33 reorganized district an annual tax rate for bond interest and
34 redemption ~~which~~ *that* will include the bond interest and
35 redemption on the outstanding bonded indebtedness specified in
36 paragraph (1) or (2) of subdivision ~~(b)~~ (b), or the amount
37 determined pursuant to a method prescribed under Section 35738.
38 The county board of supervisors shall also compute tax rates for
39 the annual charge and use charge prescribed by former Sections
40 1822.2 and ~~1825~~ 1825, as they read on July 1, ~~1970~~ 1970, when

1 such charges were established ~~prior to~~ *before* November 23, 1970.
2 All such tax rates shall be levied in excess of any other ad valorem
3 property tax authorized or required by law and shall not be included
4 in the computation of the limitation specified in subdivision (a) of
5 Section 1 of Article XIII A of the California Constitution.

6 *SEC. 5. Section 35710.51 of the Education Code is amended*
7 *to read:*

8 35710.51. (a) The county superintendent of schools, within
9 35 days after receiving the notification provided by Section 35710,
10 shall call an election, in the manner prescribed in Part 4
11 (commencing with Section 5000), to be conducted at the next
12 ~~available regular election, in~~ *election of any kind in accordance*
13 *with either of the following:*

14 (1) *Section 1002 of the Elections Code and Part 4 (commencing*
15 *with Section 5000) of Division 1 of Title 1.*

16 (2) *Division 4 (commencing with Section 4000) of the Elections*
17 *Code.*

18 (b) *The county superintendent of schools shall call the election*
19 *in the territory of districts as determined by the county committee*
20 *on school district organization, or, in the case of territory transfers*
21 *appealed to the State Board of Education state board pursuant to*
22 *subdivision (c) of Section 35710.5 (e), 35710.5, as determined by*
23 *the State Board of Education. state board.* The county
24 superintendent of schools shall not issue an order of election until
25 after the time for an appeal pursuant to subdivision (b) of Section
26 35710.5 has elapsed.

27 *SEC. 6. Section 35782 of the Education Code is amended to*
28 *read:*

29 35782. Within ~~30~~ 45 days ~~after~~ *before* the close of each school
30 year, the county committee shall conduct a public hearing on the
31 issues specified in Section 35780. Notice of the public hearing
32 shall be given at least 10 days in advance ~~thereof~~ *of the hearing*
33 to each member of the governing board of the lapsed district
34 immediately ~~prior to~~ *before* its lapsation, to each of the governing
35 boards ~~which~~ *that* adjoin the lapsed district, and to the high school
36 district of which the lapsed elementary district is a component.

37 *SEC. 7. Section 35783 of the Education Code is amended to*
38 *read:*

39 35783. After the hearing, *and at least 30 days before the end*
40 *of the school year,* the county committee shall order the territory

1 annexed to one or more adjoining districts as seems to the county
2 committee to be in the best interest of the adjoining districts and
3 the residents of the lapsed district.

4 *SEC. 8. Section 35786 of the Education Code is amended to*
5 *read:*

6 35786. An order of a county committee attaching the territory
7 of a lapsed school district to one or more adjoining school districts
8 shall be effective for all purposes on the *July 1 after* date of the
9 order. *Notwithstanding Section 35534, the effective date of the*
10 *order is not subject to compliance with Section 54900 of the*
11 *Government Code. Compliance with Section 54900 of the*
12 *Government Code is required by December 1 of the year in which*
13 *the order is made.*

14 *SEC. 9. Section 42281 of the Education Code is amended to*
15 *read:*

16 42281. Except as specified in ~~paragraph (4)~~, *subdivision (d)*,
17 for each elementary school district that maintains only one school
18 with a second principal apportionment average daily attendance
19 of less than 97, the Superintendent shall make one of the following
20 computations, whichever provides the lesser amount:

21 (a) For each small school that has an average daily attendance
22 during the fiscal year of less than 25, exclusive of pupils attending
23 the 7th and 8th grades of a junior high school, and for which school
24 at least one teacher was hired full time, the Superintendent shall
25 compute for the school district fifty-two thousand nine hundred
26 twenty-five dollars (\$52,925).

27 (b) For each small school that has an average daily attendance
28 during the fiscal year of 25 or more and less than 49, exclusive of
29 pupils attending the 7th and 8th grades of a junior high school,
30 and for which school at least two teachers were hired full time for
31 more than one-half of the days schools were maintained, the
32 Superintendent shall compute for the school district one hundred
33 five thousand eight hundred fifty dollars (\$105,850).

34 (c) For each small school that has an average daily attendance
35 during the fiscal year of 49 or more but less than 73, exclusive of
36 pupils attending the 7th and 8th grades of a junior high school,
37 and for which school three teachers were hired full time for more
38 than one-half of the days schools were maintained, the
39 Superintendent shall compute for the school district one hundred
40 fifty-eight thousand seven hundred seventy-five dollars (\$158,775).

(d) For each small school that has an average daily attendance during the fiscal year of 73 or more and less than 97, exclusive of pupils attending the 7th and 8th grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district two hundred eleven thousand seven hundred dollars (\$211,700). A school district that qualifies under this subdivision may use this funding calculation until the local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, per unit of average daily attendance multiplied by the average daily attendance produces state aid equal to the small school funding formula.

SEC. 10. Section 49558 of the Education Code is amended to read:

49558. (a) All applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to free or reduced-price meal eligibility shall be confidential, and may not be open to examination for any purpose not directly connected with the administration of any free or reduced-price meal program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free or reduced-price meal program.

(b) Notwithstanding subdivision (a), a public officer or agency may allow the use by school district employees, who are authorized by the governing board of the school district, ~~records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose to disclose from the individual meal records only the pupil's name and school meal eligibility status, solely for purposes~~ of disaggregation of academic achievement data or to identify pupils eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001 (P.L. 107-110), if the public agency ensures the following:

(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.

(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil, unless otherwise allowed by law.

1 (3) No public release of information regarding individual pupil
2 participation in any free or reduced-price meal program is
3 permitted.

4 (4) All other confidentiality provisions required by law are met.

5 (5) The information collected regarding individual pupils
6 certified to participate in the free or reduced-price meal program
7 is destroyed when it is no longer needed for its intended purpose.

8 (c) Notwithstanding subdivision (a), the school districts and
9 county superintendents of schools may release information on the
10 School Lunch Program application to the local agency that
11 determines eligibility under the Medi-Cal program if the child is
12 approved for free meals and if the applicant consents to the sharing
13 of information pursuant to Section 49557.2.

14 (d) Notwithstanding subdivision (a), the school districts and
15 county superintendents of schools may release information on the
16 School Lunch Program application to the local agency that
17 determines eligibility under the CalFresh program or to an agency
18 that determines eligibility for nutrition assistance programs
19 authorized by Chapter 2 (commencing with Section 210.1) of
20 Subtitle B of Title 7 of the Code of Federal Regulations, if the
21 child is approved for free or reduced-price meals and if the
22 applicant consents to the sharing of information pursuant to Section
23 49557.3.

24 (e) *Notwithstanding subdivision (a), school districts, charter*
25 *schools, and county offices of educations may release eligibility*
26 *information on enrolled pupils participating in the free or*
27 *reduced-price meal program to the Superintendent for purposes*
28 *of determining funding allocations under the local control funding*
29 *formula and for assessing the accountability of that funding.*

30 (f) *Information released pursuant to subdivision (c), (d) or (e)*
31 *shall adhere to all of the following requirements:*

32 (1) *Individual indicators of participation in a free or*
33 *reduced-price meal program shall not be maintained in the*
34 *permanent record of any pupil, unless otherwise authorized by*
35 *law.*

36 (2) *The public release of information regarding individual pupil*
37 *participation in a free or reduced-price meal program is not*
38 *permitted.*

39 (3) *All other confidentiality requirements imposed by law or*
40 *regulation are met.*

1 *SEC. 11. Section 52060 of the Education Code is amended to*
2 *read:*

3 52060. (a) On or before July 1, 2014, the governing board of
4 each school district shall adopt a local control and accountability
5 plan using a template adopted by the state board.

6 (b) A local control and accountability plan adopted by ~~a~~ *the*
7 governing board of a school district shall be effective for a period
8 of three years, and shall be updated on or before July 1 of each
9 year.

10 (c) A local control and accountability plan adopted by ~~a~~ *the*
11 governing board of a school district shall include, for the school
12 district and each school within the school district, both of the
13 following:

14 (1) A description of the annual goals, for all pupils and each
15 subgroup of pupils identified pursuant to Section 52052, to be
16 achieved for each of the state priorities identified in subdivision
17 (d) and for any additional local priorities identified by the
18 governing board of the school district. For purposes of this article,
19 a subgroup of pupils identified pursuant to Section 52052 shall be
20 a numerically significant pupil subgroup as specified in paragraphs
21 (2) and (3) of subdivision (a) of Section 52052.

22 (2) A description of the specific actions the school district will
23 take during each year of the local control and accountability plan
24 to achieve the goals identified in paragraph (1), including the
25 enumeration of any specific actions necessary for that year to
26 correct any deficiencies in regard to the state priorities listed in
27 paragraph (1) of subdivision (d). The specific actions shall not
28 supersede the provisions of existing local collective bargaining
29 agreements within the jurisdiction of the school district.

30 (d) All of the following are state priorities:

31 (1) The degree to which the teachers of the school district are
32 appropriately assigned in accordance with Section 44258.9, and
33 fully credentialed in the subject areas, and, for the pupils they are
34 teaching, every pupil in the school district has sufficient access to
35 the standards-aligned instructional materials as determined pursuant
36 to Section 60119, and school facilities are maintained in good
37 repair, ~~as specified~~ *defined* in subdivision (d) of Section 17002.

38 (2) Implementation of the academic content and performance
39 standards adopted by the state board, including how the programs
40 and services will enable English learners to access the common

1 core academic content standards adopted pursuant to Section
2 60605.8 and the English language development standards adopted
3 pursuant to ~~Section 60811.3~~ *former Section 60811.3, as that section*
4 *read on June 30, 2013, or Section 60811.4*, for purposes of gaining
5 academic content knowledge and English language proficiency.

6 (3) Parental involvement, including efforts the school district
7 makes to seek parent input in making decisions for the school
8 district and each individual schoolsite, and including how the
9 school district will promote parental participation in programs for
10 unduplicated pupils and individuals with exceptional needs.

11 (4) Pupil achievement, as measured by all of the following, as
12 applicable:

13 (A) Statewide assessments administered pursuant to Article 4
14 (commencing with Section 60640) of Chapter 5 of Part 33 or any
15 subsequent assessment, as certified by the state board.

16 (B) The Academic Performance Index, as described in Section
17 52052.

18 (C) The percentage of pupils who have successfully completed
19 courses that satisfy the requirements for entrance to the University
20 of California and the California State University, or career technical
21 education sequences or programs of study that align with state
22 board-approved career technical educational standards and
23 frameworks, including, but not limited to, those described in
24 subdivision (a) of Section 52302, subdivision (a) of Section
25 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

26 (D) The percentage of English learner pupils who make progress
27 toward English proficiency as measured by the California English
28 Language Development Test or any subsequent assessment of
29 English proficiency, as certified by the state board.

30 (E) The English learner reclassification rate.

31 (F) The percentage of pupils who have passed an advanced
32 placement examination with a score of 3 or higher.

33 (G) The percentage of pupils who participate in, and demonstrate
34 college preparedness pursuant to, the Early Assessment Program,
35 as described in Chapter 6 (commencing with Section 99300) of
36 Part 65 of Division 14 of Title 3, or any subsequent assessment of
37 college preparedness.

38 (5) Pupil engagement, as measured by all of the following, as
39 applicable:

40 (A) School attendance rates.

1 (B) Chronic absenteeism rates.

2 (C) Middle school dropout rates, as described in paragraph (3)
3 of subdivision (a) of Section 52052.1.

4 (D) High school dropout rates.

5 (E) High school graduation rates.

6 (6) School climate, as measured by all of the following, as
7 applicable:

8 (A) Pupil suspension rates.

9 (B) Pupil expulsion rates.

10 (C) Other local measures, including surveys of pupils, parents,
11 and teachers on the sense of safety and school connectedness.

12 (7) The extent to which pupils have access to, and are enrolled
13 in, a broad course of study that includes all of the subject areas
14 described in Section 51210 and subdivisions (a) to (i), inclusive,
15 of Section 51220, as applicable, including the programs and
16 services developed and provided to unduplicated pupils and
17 individuals with exceptional needs, and the ~~program~~ *programs*
18 and services that are provided to benefit these pupils as a result of
19 the funding received pursuant to Section 42238.02, as implemented
20 by Section 42238.03.

21 (8) Pupil outcomes, if available, in the subject areas described
22 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
23 51220, as applicable.

24 (e) For purposes of the descriptions required by subdivision (c),
25 ~~a~~ *the* governing board of a school district may consider qualitative
26 information, including, but not limited to, findings that result from
27 school quality reviews conducted pursuant to subparagraph (J) of
28 paragraph (4) of subdivision (a) of Section 52052 or any other
29 reviews.

30 (f) To the extent practicable, data reported in a local control and
31 accountability plan shall be reported in a manner consistent with
32 how information is reported on a school accountability report card.

33 (g) ~~A~~ *The* governing board of a school district shall consult with
34 teachers, principals, administrators, other school personnel, local
35 bargaining units of the school district, parents, and pupils in
36 developing a local control and accountability plan.

37 (h) A school district may identify local priorities, goals in regard
38 to the local priorities, and the method for measuring the school
39 district's progress toward achieving those goals.

1 *SEC. 12. Section 56043 of the Education Code is amended to*
2 *read:*

3 56043. The primary timelines affecting special education
4 programs are as follows:

5 (a) A proposed assessment plan shall be developed within 15
6 calendar days of referral for assessment, not counting calendar
7 days between the pupil's regular school sessions or terms or
8 calendar days of school vacation in excess of five schooldays, from
9 the date of receipt of the referral, unless the parent or guardian
10 agrees in writing to an extension, pursuant to subdivision (a) of
11 Section 56321.

12 (b) A parent or guardian shall have at least 15 calendar days
13 from the receipt of the proposed assessment plan to arrive at a
14 decision, pursuant to subdivision (c) of Section 56321.

15 (c) Once a child has been referred for an initial assessment to
16 determine whether the child is an individual with exceptional needs
17 and to determine the educational needs of the child, these
18 determinations shall be made, and an individualized education
19 program team meeting shall occur within 60 days of receiving
20 parental consent for the assessment, pursuant to subdivision (a) of
21 Section 56302.1, except as specified in subdivision (b) of that
22 section, and pursuant to Section 56344.

23 (d) The individualized education program team shall review the
24 pupil's individualized education program periodically, but not less
25 frequently than annually, pursuant to subdivision (d) of Section
26 56341.1.

27 (e) A parent or guardian shall be notified of the individualized
28 education program team meeting early enough to ensure an
29 opportunity to attend, pursuant to subdivision (b) of Section
30 56341.5. In the case of an individual with exceptional needs who
31 is 16 years of age or younger, if appropriate, the meeting notice
32 shall indicate that a purpose of the meeting will be the
33 consideration of the postsecondary goals and transition services
34 for the individual with exceptional needs, and the meeting notice
35 described in this subdivision shall indicate that the individual with
36 exceptional needs is invited to attend, pursuant to subdivision (e)
37 of Section 56341.5.

38 (f) (1) An individualized education program required as a result
39 of an assessment of a pupil shall be developed within a total time
40 not to exceed 60 calendar days, not counting days between the

1 pupil's regular school sessions, terms, or days of school vacation
2 in excess of five schooldays, from the date of receipt of the parent's
3 or guardian's written consent for assessment, unless the parent or
4 guardian agrees in writing to an extension, pursuant to Section
5 56344.

6 (2) A meeting to develop an initial individualized education
7 program for the pupil shall be conducted within 30 days of a
8 determination that the child needs special education and related
9 services pursuant to Section 300.323(c)(1) of Title 34 of the Code
10 of Federal Regulations and in accordance with Section 56344.

11 (g) (1) Beginning not later than the first individualized
12 education program to be in effect when the pupil is 16 years of
13 age, or younger if determined appropriate by the individualized
14 education program team, and updated annually thereafter, the
15 individualized education program shall include appropriate
16 measurable postsecondary goals and transition services needed to
17 assist the pupil in reaching those goals, pursuant to paragraph (8)
18 of subdivision (a) of Section 56345.

19 (2) The individualized education program for pupils in grades
20 7 to 12, inclusive, shall include any alternative means and modes
21 necessary for the pupil to complete the district's prescribed course
22 of study and to meet or exceed proficiency standards for graduation,
23 pursuant to paragraph (1) of subdivision (b) of Section 56345.

24 (3) Beginning not later than one year before the pupil reaches
25 the age of 18 years, the individualized education program shall
26 contain a statement that the pupil has been informed of the pupil's
27 rights under this part, if any, that will transfer to the pupil upon
28 reaching the age of 18 years, pursuant to Section 56041.5,
29 subdivision (g) of Section 56345, and Section 300.520 of Title 34
30 of the Code of Federal Regulations.

31 (h) Beginning at the age of 16 years or younger, and annually
32 thereafter, a statement of needed transition services shall be
33 included in the pupil's individualized education program, pursuant
34 to Section 56345.1 and Section 1414(d)(1)(A)(i)(VIII) of Title 20
35 of the United States Code.

36 (i) A pupil's individualized education program shall be
37 implemented as soon as possible following the individualized
38 education program team meeting, pursuant to Section 300.323(c)(2)
39 of Title 34 of the Code of Federal Regulations and in accordance
40 with Section 56344.

(j) An individualized education program team shall meet at least annually to review a pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, the appropriateness of the placement, and to make any necessary revisions, pursuant to subdivision (d) of Section 56343. The local educational agency shall maintain procedures to ensure that the individualized education program team reviews the pupil's individualized education program periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved, and revises the individualized education program as appropriate to address, among other matters, the provisions specified in subdivision (d) of Section 56341.1, pursuant to subdivision (a) of Section 56380.

(k) A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise in writing, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary, pursuant to Section 56381, and in accordance with Section 1414(a)(2) of Title 20 of the United States Code.

(l) A meeting of an individualized education program team requested by a parent or guardian to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written request, pursuant to Section 56343.5.

(m) If an individual with exceptional needs transfers from district to district within the state, the following are applicable pursuant to Section 56325:

(1) If the child has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents or guardians, for a period not to exceed 30 days, by which time the local educational agency shall

1 adopt the previously approved individualized education program
2 or shall develop, adopt, and implement a new individualized
3 education program that is consistent with federal and state law,
4 pursuant to paragraph (1) of subdivision (a) of Section 56325.

5 (2) If the child has an individualized education program and
6 transfers into a district from a district operating programs under
7 the same special education local plan area of the district in which
8 he or she was last enrolled in a special education program within
9 the same academic year, the new district shall continue, without
10 delay, to provide services comparable to those described in the
11 existing approved individualized education program, unless the
12 parent and the local educational agency agree to develop, adopt,
13 and implement a new individualized education program that is
14 consistent with state and federal law, pursuant to paragraph (2) of
15 subdivision (a) of Section 56325.

16 (3) If the child has an individualized education program and
17 transfers from an educational agency located outside the state to
18 a district within the state within the same academic year, the local
19 educational agency shall provide the pupil with a free appropriate
20 public education, including services comparable to those described
21 in the previously approved individualized education program, in
22 consultation with the parents or guardians, until the local
23 educational agency conducts an assessment as specified in
24 paragraph (3) of subdivision (a) of Section 56325.

25 (4) In order to facilitate the transition for an individual with
26 exceptional needs described in paragraphs (1) to (3), inclusive, the
27 new school in which the pupil enrolls shall take reasonable steps
28 to promptly obtain the pupil's records, as specified, pursuant to
29 subdivision (b) of Section 56325.

30 (n) The parent or guardian shall have the right and opportunity
31 to examine all school records of the child and to receive complete
32 copies within five business days after a request is made by the
33 parent or guardian, either orally or in writing, and before any
34 meeting regarding an individualized education program of his or
35 her child or any hearing or resolution session pursuant to Chapter
36 5 (commencing with Section 56500), in accordance with Section
37 56504 and Chapter 6.5 (commencing with Section 49060) of Part
38 27.

39 (o) Upon receipt of a request from a local educational agency
40 where an individual with exceptional needs has enrolled, a former

1 educational agency shall send the pupil's special education records,
2 or a copy ~~thereof~~, *of those records*, to the new local educational
3 agency within five working days, pursuant to subdivision (a) of
4 Section 3024 of Title 5 of the California Code of Regulations.

5 (p) The department shall do all of the following:

6 (1) Have a time limit of 60 calendar days after a complaint is
7 filed with the state educational agency to investigate the complaint.

8 (2) Give the complainant the opportunity to submit additional
9 information about the allegations in the complaint.

10 (3) Review all relevant information and make an independent
11 determination as to whether there is a violation of a requirement
12 of this part or Part B of the federal Individuals with Disabilities
13 Education Act (20 U.S.C. Sec. 1400 et seq.).

14 (4) Issue a written decision pursuant to Section 300.152(a)(5)
15 of Title 34 of the Code of Federal Regulations.

16 (q) A prehearing mediation conference shall be scheduled within
17 15 calendar days of receipt by the Superintendent of the request
18 for mediation, and shall be completed within 30 calendar days
19 after the request for mediation, unless both parties to the prehearing
20 mediation conference agree to extend the time for completing the
21 mediation, pursuant to Section 56500.3.

22 (r) Any request for a due process hearing arising from
23 subdivision (a) of Section 56501 shall be filed within two years
24 from the date the party initiating the request knew or had reason
25 to know of facts underlying the basis for the request, except that
26 this timeline shall not apply to a parent if the parent was prevented
27 from requesting the due process hearing, pursuant to subdivision
28 (l) of Section 56505.

29 (s) The Superintendent shall ensure that, within 45 calendar
30 days after receipt of a written due process hearing request, the
31 hearing is immediately commenced and completed, including any
32 mediation requested at any point during the hearing process, and
33 a final administrative decision is rendered, pursuant to subdivision
34 (f) of Section 56502.

35 (t) If either party to a due process hearing intends to be
36 represented by an attorney in the due process hearing, notice of
37 that intent shall be given to the other party at least 10 calendar
38 days ~~prior to~~ *before* the hearing, pursuant to subdivision (a) of
39 Section 56507.

1 (u) Any party to a due process hearing shall have the right to
2 be informed by the other parties to the hearing, at least 10 calendar
3 days ~~prior to~~ *before* the hearing, as to what those parties believe
4 are the issues to be decided at the hearing and their proposed
5 resolution of those issues, pursuant to paragraph (6) of subdivision
6 (e) of Section 56505.

7 (v) Any party to a due process hearing shall have the right to
8 receive from other parties to the hearing, at least five business days
9 ~~prior to~~ *before* the hearing, a copy of all documents, including all
10 assessments completed and not completed by that date, and a list
11 of all witnesses and their general area of testimony that the parties
12 intend to present at the hearing, pursuant to paragraph (7) of
13 subdivision (e) of Section 56505.

14 (w) An appeal of a due process hearing decision shall be made
15 within 90 calendar days of receipt of the hearing decision, pursuant
16 to subdivision (k) of Section 56505.

17 ~~(x) When an individualized education program calls for a~~
18 ~~residential placement as a result of a review by an expanded~~
19 ~~individualized education program team, the individualized~~
20 ~~education program shall include a provision for a review, at least~~
21 ~~every six months, by the full individualized education program~~
22 ~~team of all of the following pursuant to paragraph (2) of~~
23 ~~subdivision (e) of Section 7572.5 of the Government Code:~~

24 ~~(1) The ease progress.~~

25 ~~(2) The continuing need for out-of-home placement.~~

26 ~~(3) The extent of compliance with the individualized education~~
27 ~~program.~~

28 ~~(4) Progress toward alleviating the need for out-of-home care.~~

29 ~~(y)~~

30 (x) A complaint filed with the department shall allege a violation
31 of the federal Individuals with Disabilities Education Act (20
32 U.S.C. Sec. 1400 et seq.) or a provision of this part that occurred
33 not more than one year ~~prior to~~ *before* the date that the complaint
34 is received by the department, pursuant to Section 56500.2 and
35 Section 300.153(c) of Title 34 of the Code of Federal Regulations.

36 *SEC. 13. Section 56363.5 of the Education Code is repealed.*

37 ~~56363.5. Local educational agencies may seek, either directly~~
38 ~~or through the pupil's parents or guardians, reimbursement from~~
39 ~~insurance companies to cover the costs of related services, in~~

1 ~~accordance with Section 300.154(d) to (h), inclusive, of the Code~~
2 ~~of Federal Regulations.~~

3 *SEC. 14. Section 56363.5 is added to the Education Code, to*
4 *read:*

5 *56363.5. Pursuant to Section 300.154(d)(2)(iv) and (v) of Title*
6 *34 of the Code of Federal Regulations, if an individual with*
7 *exceptional needs is covered by public benefits or insurance, a*
8 *public agency may use Medicaid, other public benefits, or*
9 *insurance programs in which a pupil participates to provide or*
10 *pay for the services required by this part, the federal Individuals*
11 *with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and*
12 *Part 300 of Title 34 of the Code of Federal Regulations, if both of*
13 *the following conditions are met:*

14 *(a) The public agency provides written notification to the pupil's*
15 *parents.*

16 *(b) The public agency obtains written parental consent before*
17 *accessing the pupil's or parents' public benefits or insurance for*
18 *the first time, and annually thereafter.*

19 *SEC. 15. Section 56366.1 of the Education Code is amended*
20 *to read:*

21 *56366.1. (a) A nonpublic, nonsectarian school or agency that*
22 *seeks certification shall file an application with the Superintendent*
23 *on forms provided by the department, and shall include all of the*
24 *following information on the application:*

25 *(1) A description of the special education and designated*
26 *instruction and services provided to individuals with exceptional*
27 *needs if the application is for nonpublic, nonsectarian school*
28 *certification.*

29 *(2) A description of the designated instruction and services*
30 *provided to individuals with exceptional needs if the application*
31 *is for nonpublic, nonsectarian agency certification.*

32 *(3) A list of appropriately qualified staff, a description of the*
33 *credential, license, or registration that qualifies each staff member*
34 *rendering special education or designated instruction and services*
35 *to do so, and copies of their credentials, licenses, or certificates of*
36 *registration with the appropriate state or national organization that*
37 *has established standards for the service rendered.*

38 *(4) An annual operating budget.*

39 *(5) Affidavits and assurances necessary to comply with all*
40 *applicable federal, state, and local laws and regulations that include*

1 criminal record summaries required of all nonpublic, nonsectarian
2 school or agency personnel having contact with minor children
3 under Section 44237.

4 (b) (1) The applicant shall provide the special education local
5 plan area in which the applicant is located with the written
6 notification of its intent to seek certification or renewal of its
7 certification. ~~The applicant shall submit on a form, developed by~~
8 ~~the department, a signed verification by~~ local educational agency
9 representatives *shall acknowledge* that they have been notified of
10 the intent to certify or renew certification. ~~The verification~~
11 ~~acknowledgment~~ shall include a statement that representatives of
12 the local educational agency for the area in which the applicant is
13 located have had the opportunity to review the application at least
14 60 calendar days before submission of an initial application to the
15 Superintendent, or at least 30 calendar days before submission of
16 a renewal application to the Superintendent. ~~The signed verification~~
17 ~~acknowledgment~~ shall provide assurances that local educational
18 agency representatives have had the opportunity to provide input
19 on all required components of the application.

20 (2) ~~If the applicant has not received a response from the local~~
21 ~~educational agency has not acknowledged an applicant's intent to~~
22 ~~be certified~~ 60 calendar days from the date of ~~the return receipt~~
23 ~~submission~~ for initial applications or 30 calendar days from the
24 date of the return receipt for renewal applications, the applicant
25 may file the application with the Superintendent. ~~A copy of the~~
26 ~~return receipt shall be included with the application as verification~~
27 ~~of notification efforts to the local educational agency.~~

28 (3) The department shall ~~mail~~ *provide electronic notification*
29 *of the availability of* renewal application materials to certified
30 nonpublic, nonsectarian schools and agencies at least 120 days
31 before the date their current certification expires.

32 (c) If the applicant operates a facility or program on more than
33 one site, each site shall be certified.

34 (d) If the applicant is part of a larger program or facility on the
35 same site, the Superintendent shall consider the effect of the total
36 program on the applicant. A copy of the policies and standards for
37 the nonpublic, nonsectarian school or agency and the larger
38 program shall be available to the Superintendent.

39 (e) (1) Before certification, the Superintendent shall conduct
40 an onsite review of the facility and program for which the applicant

1 seeks certification. The Superintendent may be assisted by
2 representatives of the special education local plan area in which
3 the applicant is located and a nonpublic, nonsectarian school or
4 agency representative who does not have a conflict of interest with
5 the applicant. The Superintendent shall conduct an additional onsite
6 review of the facility and program within three years of the
7 effective date of the certification, unless the Superintendent
8 conditionally certifies the nonpublic, nonsectarian school or
9 agency, or unless the Superintendent receives a formal complaint
10 against the nonpublic, nonsectarian school or agency. In the latter
11 two cases, the Superintendent shall conduct an onsite review at
12 least annually.

13 (2) In carrying out this subdivision, the Superintendent may
14 verify that the nonpublic, nonsectarian school or agency has
15 received a successful criminal background check clearance and
16 has enrolled in subsequent arrest notice service, pursuant to Section
17 44237, for each owner, operator, and employee of the nonpublic,
18 nonsectarian school or agency.

19 (f) The Superintendent shall make a determination on an
20 application within 120 days of receipt of the application and shall
21 certify, conditionally certify, or deny certification to the applicant.
22 If the Superintendent fails to take one of these actions within 120
23 days, the applicant is automatically granted conditional certification
24 for a period terminating on August 31 of the current school year.
25 If certification is denied, the Superintendent shall provide reasons
26 for the denial. The Superintendent shall not certify the nonpublic,
27 nonsectarian school or agency for a period longer than one year.

28 (g) Certification becomes effective on the date the nonpublic,
29 nonsectarian school or agency meets all the application
30 requirements and is approved by the Superintendent. Certification
31 may be retroactive if the nonpublic, nonsectarian school or agency
32 met all the requirements of this section on the date the retroactive
33 certification is effective. Certification expires on December 31 of
34 the terminating year.

35 (h) The Superintendent annually shall review the certification
36 of each nonpublic, nonsectarian school and agency. For this
37 purpose, a certified nonpublic, nonsectarian school or agency
38 annually shall update its application between August 1 and October
39 31, unless the state board grants a waiver pursuant to Section

1 56101. The Superintendent may conduct an onsite review as part
2 of the annual review.

3 (i) (1) The Superintendent shall conduct an investigation of a
4 nonpublic, nonsectarian school or agency onsite at any time without
5 prior notice if there is substantial reason to believe that there is an
6 immediate danger to the health, safety, or welfare of a child. The
7 Superintendent shall document the concern and submit it to the
8 nonpublic, nonsectarian school or agency at the time of the onsite
9 investigation. The Superintendent shall require a written response
10 to any noncompliance or deficiency found.

11 (2) With respect to a nonpublic, nonsectarian school, the
12 Superintendent shall conduct an investigation, which may include
13 an unannounced onsite visit, if the Superintendent receives
14 evidence of a significant deficiency in the quality of educational
15 services provided, a violation of Section 56366.9, or
16 noncompliance with the policies expressed by subdivision (b) of
17 Section 1501 of the Health and Safety Code by the nonpublic,
18 nonsectarian school. The Superintendent shall document the
19 complaint and the results of the investigation and shall provide
20 copies of the documentation to the complainant, the nonpublic,
21 nonsectarian school, and the contracting local educational agency.

22 (3) Violations or noncompliance documented pursuant to
23 paragraph (1) or (2) shall be reflected in the status of the
24 certification of the nonpublic, nonsectarian school or agency, at
25 the discretion of the Superintendent, pending an approved plan of
26 correction by the nonpublic, nonsectarian school or agency. The
27 department shall retain for a period of 10 years all violations
28 pertaining to certification of the nonpublic, nonsectarian school
29 or agency.

30 (4) In carrying out this subdivision, the Superintendent may
31 verify that the nonpublic, nonsectarian school or agency received
32 a successful criminal background check clearance and has enrolled
33 in subsequent arrest notice service, pursuant to Section 44237, for
34 each owner, operator, and employee of the nonpublic, nonsectarian
35 school or agency.

36 (j) The Superintendent shall monitor the facilities, the
37 educational environment, and the quality of the educational
38 program, including the teaching staff, the credentials authorizing
39 service, the standards-based core curriculum being employed, and
40 the standard-focused instructional materials used, of an existing

1 certified nonpublic, nonsectarian school or agency on a three-year
2 cycle, as follows:

3 (1) The nonpublic, nonsectarian school or agency shall complete
4 a self-review in year one.

5 (2) The Superintendent shall conduct an onsite review of the
6 nonpublic, nonsectarian school or agency in year two.

7 (3) The Superintendent shall conduct a followup visit to the
8 nonpublic, nonsectarian school or agency in year three.

9 (k) (1) Notwithstanding any other law, the Superintendent shall
10 not certify a nonpublic, nonsectarian school or agency that proposes
11 to initiate or expand services to pupils currently educated in the
12 immediate prior fiscal year in a juvenile court program, community
13 school pursuant to Section 56150, or other nonspecial education
14 program, including independent study or adult school, or both,
15 unless the nonpublic, nonsectarian school or agency notifies the
16 county superintendent of schools and the special education local
17 plan area in which the proposed new or expanded nonpublic,
18 nonsectarian school or agency is located of its intent to seek
19 certification.

20 (2) The notification shall occur no later than the December 1
21 before the new fiscal year in which the proposed or expanding
22 school or agency intends to initiate services. The notice shall
23 include the following:

24 (A) The specific date upon which the proposed nonpublic,
25 nonsectarian school or agency is to be established.

26 (B) The location of the proposed program or facility.

27 (C) The number of pupils proposed for services, the number of
28 pupils currently served in the juvenile court, community school,
29 or other nonspecial education program, the current school services
30 including special education and related services provided for these
31 pupils, and the specific program of special education and related
32 services to be provided under the proposed program.

33 (D) The reason for the proposed change in services.

34 (E) The number of staff who will provide special education and
35 designated instruction and services and hold a current valid
36 California credential or license in the service rendered.

37 (3) In addition to the requirements in subdivisions (a) to (f),
38 inclusive, the Superintendent shall require and consider the
39 following in determining whether to certify a nonpublic,
40 nonsectarian school or agency as described in this subdivision:

1 (A) A complete statement of the information required as part
2 of the notice under paragraph (1).

3 (B) Documentation of the steps taken in preparation for the
4 conversion to a nonpublic, nonsectarian school or agency, including
5 information related to changes in the population to be served and
6 the services to be provided pursuant to each pupil's individualized
7 education program.

8 (4) Notwithstanding any other law, the certification becomes
9 effective no earlier than July 1 if the nonpublic, nonsectarian school
10 or agency provided the notification required pursuant to paragraph
11 (1).

12 (l) (1) Notwithstanding any other law, the Superintendent shall
13 not certify or renew the certification of a nonpublic, nonsectarian
14 school or agency, unless all of the following conditions are met:

15 (A) The entity operating the nonpublic, nonsectarian school or
16 agency maintains separate financial records for each entity that it
17 operates, with each nonpublic, nonsectarian school or agency
18 identified separately from any licensed children's institution that
19 it operates.

20 (B) The entity submits an annual budget that identifies the
21 projected costs and revenues for each entity and demonstrates that
22 the rates to be charged are reasonable to support the operation of
23 the entity.

24 (C) The entity submits an entitywide annual audit that identifies
25 its costs and revenues, by entity, in accordance with generally
26 accepted accounting and auditing principles. The audit shall clearly
27 document the amount of moneys received and expended on the
28 educational program provided by the nonpublic, nonsectarian
29 school.

30 (D) The relationship between various entities operated by the
31 same entity are documented, defining the responsibilities of the
32 entities. The documentation shall clearly identify the services to
33 be provided as part of each program, for example, the residential
34 or medical program, the mental health program, or the educational
35 program. The entity shall not seek funding from a public agency
36 for a service, either separately or as part of a package of services,
37 if the service is funded by another public agency, either separately
38 or as part of a package of services.

39 (2) For purposes of this section, "licensed children's institution"
40 has the same meaning as it is defined by Section 56155.5.

(m) (1) The nonpublic, nonsectarian school or agency shall be charged a reasonable fee for certification. The Superintendent may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for local control funding formula allocations pursuant to Section 42238.02, as implemented by Section 42238.03, of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the school district local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, for inflation purposes. For purposes of this section, the base fee shall be the following:

(1) 1–5 pupils	\$ 300
(2) 6–10 pupils	500
(3) 11–24 pupils	1,000
(4) 25–75 pupils	1,500
(5) 76 pupils and over	2,000

~~The~~

(2) *The* nonpublic, nonsectarian school or agency shall pay this fee when it applies for certification and when it updates its application for annual renewal by the Superintendent. The Superintendent shall use these fees to conduct onsite reviews, which may include field experts. A fee shall not be refunded if the application is withdrawn or is denied by the Superintendent.

(n) (1) Notwithstanding any other law, only those nonpublic, nonsectarian schools and agencies that provide special education and designated instruction and services using staff who hold a certificate, permit, or other document equivalent to that which staff in a public school are required to hold in the service rendered are eligible to receive certification. Only those nonpublic, nonsectarian schools or agencies located outside of California that employ staff who hold a current valid credential or license to render special education and related services as required by that state shall be eligible to be certified.

(2) The state board shall develop regulations to implement this subdivision.

(o) In addition to meeting the standards adopted by the state board, a nonpublic, nonsectarian school or agency shall provide

1 written assurances that it meets all applicable standards relating
2 to fire, health, sanitation, and building safety.

3 (p) (1) Notwithstanding subdivision (n) of Section 44237, and
4 for purposes of enabling the Superintendent to carry out his or her
5 duties pursuant to this section, a nonpublic, nonsectarian school
6 or agency shall, upon demand, make available to the
7 Superintendent evidence of a successful criminal background check
8 clearance and enrollment in subsequent arrest notice service,
9 conducted pursuant to Section 44237, for each owner, operator,
10 and employee of the nonpublic, nonsectarian school or agency.

11 (2) The nonpublic, nonsectarian school or agency shall retain
12 the evidence and store it in a locked file separate from other files.

13 *SEC. 16. Section 56440 of the Education Code is amended to*
14 *read:*

15 56440. (a) Each special education local plan area shall submit
16 ~~a plan to the Superintendent by September 1, 1987, to the~~
17 ~~Superintendent, as part of the local plan, information~~ for providing
18 special education and services to individuals with exceptional
19 needs, as defined by the board, in Section 56026, who are between
20 the ages of three and five years, inclusive, and do not require
21 intensive special education and services, but who would be eligible
22 for special education and services under Title II of the Education
23 of the Handicapped Act Amendments of 1986, Public Law 99-457
24 (20 U.S.C. Secs. 1411, 1412, 1413, and 1419). *inclusive.*

25 ~~(b) The Superintendent shall provide for a five-year phase-in~~
26 ~~of the individuals with exceptional needs qualifying for special~~
27 ~~education and services under Public Law 99-457 who do not~~
28 ~~require intensive special education and services, through an~~
29 ~~application process to be developed by the Superintendent.~~

30 (e)

31 (b) All individuals with exceptional needs between the ages of
32 three and five years, inclusive, identified in subdivision (a) shall
33 be served by the local educational agencies within each special
34 education local plan area by June 30, 1992, *area*, to the extent
35 required under federal law and pursuant to the local plan and
36 application approved by the Superintendent.

37 (d)

38 (c) Individuals with exceptional needs between the ages of three
39 and five years, inclusive, who are identified by the local educational
40 agency as requiring special education and services, as defined by

1 the board, shall be eligible for special education and services
2 pursuant to this part and shall not be subject to any phase-in plan.

3 ~~(e) In special education local plan areas where individuals with~~
4 ~~exceptional needs between the ages of three and five, inclusive,~~
5 ~~who do not require intensive special education and services are~~
6 ~~expected to have an increased demand on school facilities as a~~
7 ~~result of projected growth pursuant to this chapter, the special~~
8 ~~education local plan area director shall submit a written report on~~
9 ~~the impacted local educational agencies to the State Allocation~~
10 ~~Board by December 1, 1987. The State Allocation Board shall~~
11 ~~assess the situation and explore ways of resolving the school~~
12 ~~facilities impaction situation.~~

13 ~~(f) The Superintendent shall provide technical assistance to local~~
14 ~~educational agencies in order to help identify suitable alternative~~
15 ~~instructional settings to alleviate the school facilities impaction~~
16 ~~situation. Alternative instructional settings may include, but are~~
17 ~~not limited to, state preschool programs and the child's home.~~
18 ~~Nothing in this chapter shall cause the displacement of children~~
19 ~~currently enrolled in these settings.~~

20 ~~(g)~~
21 ~~(d) Special education facilities operated by local educational~~
22 ~~agencies serving children under this chapter and Chapter 4.4~~
23 ~~(commencing with Section 56425) shall meet all applicable~~
24 ~~standards relating to fire, health, sanitation, and building safety,~~
25 ~~but are not subject to Chapter 3.4 (commencing with Section~~
26 ~~1596.70), 3.5 (commencing with Section 1596.90), or 3.6~~
27 ~~(commencing with Section 1597.30) of Division 2 of the Health~~
28 ~~and Safety Code.~~

29 ~~(h)~~
30 ~~(e) This chapter applies to all individuals with exceptional needs~~
31 ~~between the ages of three and five years, inclusive.~~

32 *SEC. 17. Section 60603 of the Education Code is amended to*
33 *read:*

34 60603. As used in this chapter:

35 (a) "Achievement level descriptors" means a narrative
36 description of the knowledge, skills, and processes expected of
37 pupils at different grade levels and at different performance levels
38 on achievement tests.

(b) “Achievement test” means any summative standardized test that measures the level of performance that a pupil has achieved on state-adopted content standards.

(c) “*California Assessment of Student Performance and Progress (CAASPP)*” means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.

(d) “Census administration” means a test administration in which all pupils take comparable assessments of the same content and where results of individual performance are appropriate and meaningful to parents, pupils, and teachers.

(e) “Computer-adaptive assessment” means a computer-based test that utilizes a computer program to adjust the difficulty of test items throughout a testing session based on a test taker’s responses to previous test items during that testing session.

(f) “Computer-based assessment” means a test administered using an electronic computing device.

(g) “Consortium” means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.

(h) “Constructed-response questions” means a type of assessment item that requires pupils to construct their own answers.

(i) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

(j) “Diagnostic assessment” means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

1 (k) “End of course ~~exam~~ *examination*” means a comprehensive
2 and challenging assessment of pupil achievement in a particular
3 subject area or discipline.

4 ~~(k)~~

5 (l) “Field test” means an assessment or assessment items
6 administered to a representative sample of a population to ensure
7 that the test or item produces results that are valid, reliable, and
8 fair.

9 ~~(l)~~

10 (m) “Formative assessment tools” means assessment tools and
11 processes that are embedded in instruction and used by teachers
12 and pupils to provide timely feedback for purposes of adjusting
13 instruction to improve learning.

14 ~~(m)~~

15 (n) “High-quality assessment” means an assessment designed
16 to measure a pupil’s knowledge of, understanding of, and ability
17 to apply, critical concepts through the use of a variety of item types
18 and formats, including, but not necessarily limited to, items that
19 allow for constructed responses and items that require the
20 completion of performance tasks. A high-quality assessment should
21 have the following characteristics:

22 (1) Enable measurement of pupil achievement and pupil growth
23 to the extent feasible.

24 (2) Be of high technical quality by being valid, reliable, fair,
25 and aligned to standards.

26 (3) Incorporate technology where appropriate.

27 (4) Include the assessment of pupils with disabilities and English
28 learners.

29 (5) Use, to the extent feasible, universal design principles, as
30 defined in Section 3 of the federal Assistive Technology Act of
31 1998 (29 U.S.C. Sec. 3002) in its development and administration.

32 ~~(n)~~

33 (o) “Interim assessment” means an assessment that is designed
34 to be given at regular intervals throughout the school year to
35 evaluate a pupil’s knowledge and skills relative to a specific set
36 of academic standards, and produces results that can be aggregated
37 by course, grade level, school, or local educational agency in order
38 to inform teachers and administrators at the pupil, classroom,
39 school, and local educational agency levels.

40 ~~(o)~~

1 (p) “Local educational agency” means a county office of
2 education, school district, state special school, or direct-funded
3 charter school as described in Section 47651.

4 ~~(p)~~

5 (q) “Matrix sampling” means administering different portions
6 of a single assessment to different groups of pupils for the purpose
7 of sampling a broader representation of content and reducing
8 testing time.

9 ~~(q) “Measurement of Academic Performance and Progress~~
10 ~~(MAPP)” means the comprehensive assessment system, inclusive~~
11 ~~of consortium-developed assessments, that has the primary purpose~~
12 ~~of modeling and promoting high-quality teaching and instruction~~
13 ~~using a variety of assessment approaches and item types.~~

14 (r) “Performance standards” are standards that define various
15 levels of competence at each grade level in each of the curriculum
16 areas for which content standards are established. Performance
17 standards gauge the degree to which a pupil has met the content
18 standards and the degree to which a school or school district has
19 met the content standards.

20 (s) “Performance tasks” are a collection of questions or activities
21 that relate to a single scenario that include pupil interaction with
22 stimulus. Performance tasks are a means to assess more complex
23 skills such as writing, research, and analysis.

24 (t) “Personally identifiable information” includes a pupil’s name
25 and other direct personal identifiers, such as the pupil’s
26 identification number. Personally identifiable information also
27 includes indirect identifiers, such as the pupil’s address and
28 personal characteristics, or other information that would make the
29 pupil’s identity easily traceable through the use of a single or
30 multiple data sources, including publicly available information.

31 (u) “Population sampling” means administering assessments to
32 a representative sample of pupils instead of the entire pupil
33 population. The sample of pupils shall be representative in terms
34 of various pupil subgroups, including, but not necessarily limited
35 to, English learners and pupils with disabilities.

36 (v) “Recently arrived English learner” means a pupil designated
37 as an English learner who is in his or her first 12 months of
38 attending a school in the United States.

39 (w) “State-determined assessment calendar” means the
40 scheduling of assessments, exclusive of those subject area

1 assessments listed in subdivision (b) of Section 60640, over several
2 years on a predetermined schedule. Content areas and grades shall
3 only be assessed after being publicly announced at least two school
4 years in advance of the assessment.

5 (x) “Summative assessment” means an assessment designed to
6 be given near the end of the school year to evaluate a pupil’s
7 knowledge and skills relative to a specific set of academic
8 standards.

9 *SEC. 18. Section 60604 of the Education Code is amended to*
10 *read:*

11 60604. (a) The Superintendent shall design and implement,
12 consistent with the timetable and plan required pursuant to
13 subdivision (b), a statewide pupil assessment system consistent
14 with the testing requirements of this article in accordance with the
15 objectives set forth in Section 60602.5. That system shall include
16 all of the following:

17 (1) Exclusive of the consortium assessments, a plan for
18 producing or adopting valid, fair, and reliable achievement tests
19 as recommended by the Superintendent and adopted by the state
20 board pursuant to the ~~Measurement of Academic Performance and~~
21 ~~Progress (MAPP)~~ *California Assessment of Student Performance*
22 *and Progress (CAASPP)* established by Article 4 (commencing
23 with Section 60640).

24 (2) A plan for administering the consortium summative
25 assessment as outlined by the joint agreement of the consortium.

26 (3) Statewide academically rigorous content and performance
27 standards that reflect the knowledge and complex skills that pupils
28 will need in order to succeed in the information-based, global
29 economy of the 21st century. These skills shall not include personal
30 behavioral standards or skills, including, but not limited to, honesty,
31 sociability, ethics, or self-esteem.

32 (4) A statewide system that provides the results of testing in a
33 manner that reflects the degree to which pupils are achieving the
34 academically rigorous content and performance standards adopted
35 by the state board.

36 (5) The alignment of assessment with the statewide academically
37 rigorous content and performance standards adopted by the state
38 board.

39 (6) The active, ongoing involvement of parents, classroom
40 teachers, administrators, other educators, governing board members

1 of school districts, business community members, institutions of
2 higher education, and the public in all phases of the design and
3 implementation of the statewide pupil assessment system.

4 (7) A plan for ensuring the security and integrity of the ~~MAPP~~
5 *CAASPP* assessments.

6 (8) The development of a contract or contracts with a contractor
7 for the development or administration of achievement tests and
8 performance tasks aligned to state-adopted content standards,
9 including summative assessments or assessments that employ
10 matrix sampling or population sampling methods.

11 (b) The Superintendent shall develop and annually update for
12 the Legislature a five-year cost projection, implementation plan
13 for the ~~MAPP~~, *CAASPP*, and a timetable for implementing the
14 system described in Section 60640. The annual update shall be
15 submitted on or before March 1 of each year to the Department of
16 Finance, the state board, and the respective chairpersons of the
17 appropriate fiscal subcommittees considering budget appropriations
18 and the appropriate policy committees in each house. The update
19 shall explain any significant variations from the five-year cost
20 projection for the current year budget and the proposed budget.

21 (c) The Superintendent shall make resources available that are
22 designed to assist with the interpretation and use of the ~~MAPP~~
23 *CAASPP* results to promote the use of the results for purposes of
24 improving pupil learning and educational programs across the full
25 curriculum. The Superintendent shall consider information already
26 provided by assessment consortia to which California belongs or
27 assessment contractors when fulfilling this requirement.

28 (d) The Superintendent shall make information and resources
29 available to parents, teachers, pupils, administrators, school board
30 members, and the public regarding the ~~MAPP~~, *CAASPP*, including,
31 but not necessarily limited to, system goals, purposes, scoring
32 systems, results, valid uses of assessments, and information on the
33 relationship between performance on the previous state assessments
34 and the ~~MAPP~~, *CAASPP*.

35 (e) The Superintendent and the state board shall consider
36 comments and recommendations from teachers, administrators,
37 pupil representatives, institutions of higher education, and the
38 public in the development, adoption, and approval of assessment
39 instruments.

(f) The results of the achievement tests, exclusive of the consortium summative assessments, administered pursuant to Article 4 (commencing with Section 60640), shall be returned to the local educational agencies within the period of time specified by the state board.

SEC. 19. Section 60607 of the Education Code is amended to read:

60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the ~~Measurement of Academic Performance and Progress (MAPP)~~, *California Assessment of Student Performance and Progress (CAASPP)*, or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course ~~exams examinations~~ he or she has taken, and the vocational education certification ~~exams examinations~~ he or she chose to take.

(b) It is the intent of the Legislature that local educational agencies and schools use the results of the academic achievement tests administered annually as part of the ~~MAPP~~ *CAASPP* to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c) (1) Except for research provided for in *former* Section 49079.6, *as it read on December 31, 2013*, a pupil's results or a record of accomplishment shall be private, and may not be released to any person, other than the pupil's parent or guardian and a teacher, counselor, or administrator directly involved with the pupil, without the express written consent of either the parent or guardian of the pupil if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(2) (A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the ~~MAPP~~ *CAASPP* may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

1 *SEC. 20. Section 60611 of the Education Code is amended to*
2 *read:*

3 60611. A local educational agency, district superintendent of
4 schools, or principal or teacher of any elementary or secondary
5 school, including a charter school, shall not carry on any program
6 for the sole purpose of test preparation of pupils for the statewide
7 pupil assessment system or a particular test used in the statewide
8 pupil assessment system. Nothing in this section prohibits the use
9 of materials to familiarize pupils with item types or the
10 computer-based testing environment used in the ~~Measurement of~~
11 ~~Academic~~ *California Assessment of Student Performance and*
12 *Progress.*

13 *SEC. 21. Section 60630 of the Education Code is amended to*
14 *read:*

15 60630. (a) The Superintendent shall prepare and submit, and
16 subsequently post on the Internet Web site of the department, an
17 annual report to the state board containing an analysis of the results
18 and test scores of the summative assessments administered pursuant
19 to Section 60640. The Superintendent shall notify the state board
20 and the appropriate policy and fiscal committees of the Legislature
21 that the annual report is available on the Internet Web site of the
22 department.

23 (b) The Superintendent shall post a periodic update on the
24 implementation of the ~~Measurement of Academic~~ *California*
25 ~~*Assessment of Student Performance and Progress*~~ on the Internet
26 Web site of the department, and notify the state board and the
27 appropriate policy and fiscal committees of the Legislature that
28 the update is available on the Internet Web site of the department.

29 *SEC. 22. The heading of Article 4 (commencing with Section*
30 *60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the*
31 *Education Code is amended to read:*

32
33 ~~Article 4. Measurement of Academic Performance and Progress~~
34 ~~*California Assessment of Student Performance and Progress*~~
35

36 *SEC. 23. Section 60640 of the Education Code is amended to*
37 *read:*

38 60640. (a) There is hereby established the ~~Measurement of~~
39 ~~Academic~~ *California Assessment of Student Performance and*
40 *Progress, to be known as the MAPP: CAASPP.*

(b) Commencing with the 2013–14 school year, the ~~MAPP~~ *CAASPP* shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

(i) Grades 3 to 5, inclusive.

(ii) Grades 6 to 9, inclusive.

(iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the

1 grades and subject areas assessed pursuant to paragraph (1) and
2 subparagraph (B) of paragraph (2).

3 (4) The Early Assessment Program established by Chapter 6
4 (commencing with Section 99300) of Part 65 of Division 14 of
5 Title 3.

6 (5) (A) The department shall make available to local educational
7 agencies a primary language assessment aligned to the English
8 language arts standards adopted pursuant to Section 60605, as it
9 read on January 1, 2013, for assessing pupils who are enrolled in
10 a dual language immersion program that includes the primary
11 language of the assessment and who are either nonlimited English
12 proficient or redesignated fluent English proficient. The cost for
13 the assessment shall be the same for all local educational agencies,
14 and shall not exceed the marginal cost of the assessment, including
15 any cost the department incurs to implement this section.

16 (B) A local educational agency may administer a primary
17 language assessment aligned to the English language arts standards
18 adopted pursuant to Section 60605, as it read on January 1, 2013,
19 at its own expense, and shall enter into an agreement for that
20 purpose with the testing contractor. If the local educational agency
21 chooses to administer a primary language assessment pursuant to
22 this paragraph, the department shall reimburse the local educational
23 agency for its costs, including a per pupil apportionment to
24 administer the assessment pursuant to subdivision (I). The
25 department shall determine the procedures for reimbursement.

26 (C) The Superintendent shall consult with stakeholders,
27 including assessment and English learner experts, to determine
28 the content and purpose of a stand-alone language arts summative
29 assessment in primary languages other than English that aligns
30 with the English-language arts content standards. The
31 Superintendent shall consider the appropriate purpose for this
32 assessment, including, but not necessarily limited to, support for
33 the State Seal of Biliteracy and accountability. It is the intent of
34 the Legislature that an assessment developed pursuant to this
35 section be included in the state accountability system.

36 (D) The Superintendent shall report and make recommendations
37 to the state board at a regularly scheduled public meeting no sooner
38 than one year after the first full administration of the consortium
39 computer-adaptive assessments in English language arts and
40 mathematics summative assessments in grades 3 to 8, inclusive,

1 and grade 11, regarding an implementation timeline and estimated
2 costs of a stand-alone language arts summative assessment in
3 primary languages other than English.

4 (E) The Superintendent shall develop, and the state board shall
5 adopt, a primary language assessment. The Superintendent shall
6 administer this assessment no later than the 2016–17 school year.

7 (F) This paragraph shall be operative only to the extent that
8 funding is provided in the annual Budget Act or another statute
9 for the purpose of this section.

10 (c) No later than ~~March~~, *2 March 1*, 2016, the Superintendent
11 shall submit to the state board recommendations on expanding the
12 ~~MAPP~~ *CAASPP* to include additional assessments, for
13 consideration at a regularly scheduled public meeting. The
14 Superintendent shall also submit these recommendations to the
15 appropriate policy and fiscal committees of the Legislature and to
16 the Director of Finance in accordance with all of the following:

17 (1) In consultation with stakeholders, including, but not
18 necessarily limited to, California teachers, individuals with
19 expertise in assessing English learners and pupils with disabilities,
20 parents, and measurement experts, the Superintendent shall make
21 recommendations regarding assessments including the grade level,
22 content, and type of assessment. These recommendations shall
23 take into consideration the assessments already administered or
24 planned pursuant to subdivision (b). The Superintendent shall
25 consider the use of consortium-developed assessments, various
26 item types, computer-based testing, and a timeline for
27 implementation.

28 (2) The recommendations shall consider assessments in subjects,
29 including, but not necessarily limited to, history-social science,
30 technology, visual and performing arts, and other subjects as
31 appropriate, as well as English language arts, mathematics, and
32 science assessments to augment the assessments required under
33 subdivision (b), and the use of various assessment options,
34 including, but not necessarily limited to, computer-based tests,
35 locally scored performance tasks, and portfolios.

36 (3) The recommendations shall include the use of an assessment
37 calendar that would schedule the assessments identified pursuant
38 to paragraph (2) over several years, the use of matrix sampling, if
39 appropriate, and the use of population sampling.

1 (4) The recommendations shall include a timeline for test
2 development, and shall include cost estimates for subject areas, as
3 appropriate.

4 (5) Upon approval by the state board and the appropriation of
5 funding for this purpose, the Superintendent shall develop and
6 administer approved assessments. The state board shall approve
7 test blueprints, achievement level descriptors, testing periods,
8 performance standards, and a reporting plan for each approved
9 assessment.

10 (d) For the 2013–14 and 2014–15 school years, the department
11 shall make available to local educational agencies Standardized
12 Testing and Reporting Program test forms no longer required by
13 the ~~MAPP~~ *CAASPP*. The cost of implementing this subdivision,
14 including, but not necessarily limited to, shipping, printing, scoring,
15 and reporting per pupil shall be the same for all local educational
16 agencies, and shall not exceed the marginal cost of the assessment,
17 including any cost the department incurs to implement this section.
18 A local educational agency that chooses to administer an
19 assessment pursuant to this section shall do so at its own expense,
20 and shall enter into an agreement for that purpose with a contractor,
21 subject to the approval of the department.

22 (e) The Superintendent shall make available a paper and pencil
23 version of any computer-based ~~MAPP~~ *CAASPP* assessment for
24 use by pupils who are unable to access the computer-based version
25 of the assessment for a maximum of three years after a new
26 operational test is first administered.

27 (f) (1) From the funds available for that purpose, each local
28 educational agency shall administer assessments to each of its
29 pupils pursuant to subdivision (b). As allowable by federal statute,
30 recently arrived English learner pupils are exempted from taking
31 the assessment in English language arts. The state board shall
32 establish a testing period to provide that all schools administer
33 these tests to pupils at approximately the same time during the
34 instructional year. The testing period established by the state board
35 shall take into consideration the need of local educational agencies
36 to provide makeup days for pupils who were absent during testing,
37 as well as the need to schedule testing on electronic computing
38 devices.

39 (2) For the 2013–14 school year, each local educational agency
40 shall administer the field tests in a manner described by the

1 department in consultation with the president or executive director
2 of the state board. Additional participants in the field test beyond
3 the representative sample may be approved by the department, and
4 the department shall use existing contract savings to fund district
5 participation in one or more tests per participant. Funds for this
6 purpose shall be utilized to allow for maximum participation in
7 the field test across the state. To the extent savings in the current
8 contract are not available to fully fund this participation, the
9 department shall prorate available funds by test. Local educational
10 agencies shall bear any additional costs to administer these
11 assessments that are in excess of the contracted amount. With
12 approval of the state board and the Director of Finance, the
13 department shall amend the existing assessment contract to
14 accommodate field testing beyond the representative sample, and
15 to allow for special studies using information collected from the
16 field tests.

17 (g) From the funds available for that purpose, each local
18 educational agency shall administer assessments as determined by
19 the state board pursuant to paragraph (5) of subdivision (c).

20 (h) As feasible, the ~~MAPP~~ *CAASPP* field tests shall be
21 conducted in a manner that will minimize the testing burden on
22 individual schools. The ~~MAPP~~ *CAASPP* field tests shall not
23 produce individual pupil scores unless it is determined that these
24 scores are valid and reliable.

25 (i) The governing board of a school district may administer
26 achievement tests in grades other than those required by this section
27 as it deems appropriate.

28 (j) The governing board of a school district may administer a
29 primary language assessment aligned to the English language arts
30 standards adopted pursuant to Section 60605 to a pupil identified
31 as limited English proficient enrolled in any of grades 2 to 11,
32 inclusive, who either receives instruction in his or her primary
33 language or has been enrolled in a school in the United States for
34 less than 12 months until a subsequent primary language
35 assessment aligned to the common core standards in English
36 language arts adopted pursuant to Section 60605.8 is developed
37 pursuant to paragraph (5) of subdivision (b). If the governing board
38 of a school district chooses to administer this assessment, it shall
39 notify the department in a manner determined by the department.

1 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
2 States Code, individuals with exceptional needs, as defined in
3 Section 56026, shall be included in the testing requirement of
4 subdivision (b) with appropriate accommodations in administration,
5 where necessary, and those individuals with exceptional needs
6 who are unable to participate in the testing, even with
7 accommodations, shall be given an alternate assessment.

8 (l) (1) The Superintendent shall apportion funds appropriated
9 for these purposes to local educational agencies to enable them to
10 meet the requirements of subdivisions (b) and (c).

11 (A) For the ~~MAPP~~ *CAASPP* field tests administered in the
12 2013–14 school year or later school years, the Superintendent shall
13 apportion funds to local educational agencies if funds are
14 specifically provided for this purpose in the annual Budget Act.

15 (B) The Superintendent shall apportion funds to local
16 educational agencies to enable them to administer assessments
17 used to satisfy the voluntary Early Assessment Program in the
18 2013–14 school year pursuant to paragraph (4) of subdivision (b).

19 (2) The state board annually shall establish the amount of
20 funding to be apportioned to local educational agencies for each
21 test administered and annually shall establish the amount that each
22 contractor shall be paid for each test administered under the
23 contracts required pursuant to Section 60643. The amounts to be
24 paid to the contractors shall be determined by considering the cost
25 estimates submitted by each contractor each September and the
26 amount included in the annual Budget Act, and by making
27 allowance for the estimated costs to school districts for compliance
28 with the requirements of subdivisions (b) and (c). The state board
29 shall take into account changes to local educational agency test
30 administration activities under the ~~MAPP~~, *CAASPP*, including,
31 but not limited to, the number, type of tests administered, and
32 changes in computerized test registration and administration
33 procedures, when establishing the amount of funding to be
34 apportioned to local educational agencies for each test
35 administered.

36 (3) An adjustment to the amount of funding to be apportioned
37 per test shall not be valid without the approval of the Director of
38 Finance. A request for approval of an adjustment to the amount
39 of funding to be apportioned per test shall be submitted in writing
40 to the Director of Finance and the chairpersons of the fiscal

committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (I), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (I), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the ~~MAPP~~, *CAASPP*, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant

1 to Section 60642.5 administered in previous years. Where feasible
2 and practicable, the minimum number of test items released per
3 year shall be equal to 25 percent of the total number of test items
4 on the test administered in the previous year.

5 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
6 of Title 5 of the California Code of Regulations shall be revised
7 by the state board to conform to the changes made to this section
8 in the first year of the 2013–14 Regular Session. The state board
9 shall adopt initial regulations as emergency regulations to
10 immediately implement the ~~MAPP~~ CAASPP assessments,
11 including, but not necessarily limited to, the administration,
12 scoring, and reporting of the tests, as the adoption of emergency
13 regulations is necessary for the immediate preservation of the
14 public peace, health, safety, or general welfare within the meaning
15 of Section 11346.1 of the Government Code. The emergency
16 regulations shall be followed by the adoption of permanent
17 regulations, in accordance with the Administrative Procedure Act
18 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
19 Division 3 of Title 2 of the Government Code).

20 *SEC. 24. Section 60641 of the Education Code is amended to*
21 *read:*

22 60641. (a) The department shall ensure that local educational
23 agencies comply with each of the following requirements:

24 (1) The achievement tests provided for in Section 60640 are
25 scheduled to be administered to all pupils, inclusive of pupils
26 enrolled in charter schools and exclusive of pupils exempted
27 pursuant to Section 60640, during the period prescribed in
28 subdivision (b) of Section 60640.

29 (2) For assessments that produce valid individual pupil results,
30 the individual results of each pupil tested pursuant to Section 60640
31 shall be reported, in writing, to the parent or guardian of the pupil.
32 The report shall include a clear explanation of the purpose of the
33 test, the score of the pupil, and the intended use by the local
34 educational agency of the test score. This subdivision does not
35 require teachers or other local educational agency personnel to
36 prepare individualized explanations of the test score of each pupil.
37 It is the intent of the Legislature that nothing in this section shall
38 preclude a school or school district from meeting the reporting
39 requirement by the use of electronic media formats that secure the
40 confidentiality of the pupil and the pupil's results. State agencies

1 or local educational agencies shall not use a comparison resulting
2 from the scores and results of the ~~Measurement of Academic~~
3 ~~Performance and Progress (MAPP)~~ *California Assessment of*
4 *Student Performance and Progress (CAASPP)* assessments and
5 the assessment scores and results from assessments that measured
6 previously adopted content standards.

7 (3) (A) For assessments that produce valid individual pupil
8 results, the individual results of each pupil tested pursuant to
9 Section 60640 also shall be reported to the school and teachers of
10 a pupil. The local educational agency shall include the test results
11 of a pupil in his or her pupil records. However, except as provided
12 in this section and Section 60607, personally identifiable pupil test
13 results only may be released with the permission of either the
14 pupil's parent or guardian if the pupil is a minor, or the pupil if
15 the pupil has reached the age of majority or is emancipated.

16 (B) Notwithstanding subparagraph (A) and pursuant to
17 subdivision (c) of Section 60607, a pupil or his or her parent or
18 guardian may authorize the release of individual pupil results to a
19 postsecondary educational institution for the purpose of credit,
20 placement, determination of readiness for college-level coursework,
21 or admission.

22 (4) The districtwide, school-level, and grade-level results of the
23 ~~MAPP CAASPP~~ in each of the grades designated pursuant to
24 Section 60640, but not the score or relative position of any
25 individually ascertainable pupil, shall be reported to the governing
26 board of the school district at a regularly scheduled meeting, and
27 the countywide, school-level, and grade-level results for classes
28 and programs under the jurisdiction of the county office of
29 education shall be similarly reported to the county board of
30 education at a regularly scheduled meeting.

31 (b) The state board shall adopt regulations that outline a calendar
32 for delivery and receipt of summative assessment results at the
33 pupil, school, grade, district, county, and state levels. The calendar
34 shall include delivery dates to the department and to local
35 educational agencies. The calendar for delivery shall provide for
36 the timely return of assessment results, and consider the amount
37 of paper-and-pencil administered assessments and number of items
38 requiring hand scoring. The calendar shall also ensure that
39 individual assessment results are reported to local educational
40 agencies within eight weeks of receipt by the contractor for scoring.

1 (c) Aggregated, disaggregated, or group scores or reports that
2 include the results of the ~~MAPP CAASPP~~ assessments, inclusive
3 of the reports developed pursuant to Section 60630, shall not be
4 publicly reported to any party other than the school or local
5 educational agency where the pupils were tested, if the aggregated,
6 disaggregated, or group scores or reports are comprised of 10 or
7 fewer individual pupil assessment results. Exclusive of the reports
8 developed pursuant to Section 60630, in no case shall any group
9 score or report be displayed that would deliberately or inadvertently
10 make the score or performance of any individual pupil or teacher
11 identifiable.

12 ~~(d) For those entities described in clauses (i) and (iii) of~~
13 ~~subparagraph (B) of paragraph (3) of subdivision (c) of Section~~
14 ~~49079.6, the MAPP scores and results shall be released pursuant~~
15 ~~to the process outlined in paragraph (3) of subdivision (c) of~~
16 ~~Section 49079.6.~~

17 (e)

18 (d) The department shall ensure that pupils in grade 11, or
19 parents or legal guardians of those pupils, may request results from
20 grade 11 assessments administered as part of the ~~MAPP CAASPP~~
21 for the purpose of determining credit, placement, or readiness for
22 college-level coursework be released to a postsecondary
23 educational institution.

24 *SEC. 25. Section 60643 of the Education Code is amended to*
25 *read:*

26 60643. (a) Notwithstanding any other law, the contractor or
27 contractors of the achievement tests provided for in Section 60640
28 shall comply with all of the conditions and requirements of the
29 contract to the satisfaction of the Superintendent and the state
30 board.

31 (b) (1) The department shall develop, and the Superintendent
32 and the state board shall approve, a contract or contracts to be
33 entered into with a contractor in connection with the test provided
34 for in Section 60640. The department may develop the contract
35 through negotiations. In approving a contract amendment to the
36 contract authorized pursuant to this section, the department, in
37 consultation with the state board, may make material amendments
38 to the contract that do not increase the contract cost. Contract
39 amendments that increase contract costs may only be made with

1 the approval of the department, the state board, and the Department
2 of Finance.

3 (2) For purposes of the contracts authorized pursuant to this
4 subdivision, the department is exempt from the requirements of
5 Part 2 (commencing with Section 10100) of Division 2 of the
6 Public Contract Code and from the requirements of Article 6
7 (commencing with Section 999) of Chapter 6 of Division 4 of the
8 Military and Veterans Code. The department shall use a
9 competitive and open process utilizing standardized scoring criteria
10 through which to select a potential administration contractor or
11 contractors for recommendation to the state board for consideration.
12 The state board shall consider each of the following criteria:

13 (A) The ability of the contractor to produce valid and reliable
14 scores.

15 (B) The ability of the contractor to report accurate results in a
16 timely fashion.

17 (C) Exclusive of the consortium assessments, the ability of the
18 contractor to ensure technical adequacy of the tests, inclusive of
19 the alignment between the ~~Measurement of Academic Performance~~
20 ~~and Progress (MAPP)~~ *California Assessment of Student*
21 *Performance and Progress* tests and the state-adopted content
22 standards.

23 (D) The cost of the assessment system.

24 (E) The ability and proposed procedures to ensure the security
25 and integrity of the assessment system.

26 (F) The experience of the contractor in successfully conducting
27 statewide testing programs in other states.

28 (3) The contracts shall include provisions for progress payments
29 to the contractor for work performed or costs incurred in the
30 performance of the contract. Not less than 10 percent of the amount
31 budgeted for each separate and distinct component task provided
32 for in each contract shall be withheld pending final completion of
33 all component tasks by that contractor. The total amount withheld
34 pending final completion shall not exceed 10 percent of the total
35 contract price for that fiscal year.

36 (4) The contracts shall require liquidated damages to be paid
37 by the contractor in the amount of up to 10 percent of the total cost
38 of the contract for any component task that the contractor through
39 its own fault or that of its subcontractors fails to substantially
40 perform by the date specified in the agreement.

1 (5) The contracts shall establish the process and criteria by
2 which the successful completion of each component task shall be
3 recommended by the department and approved by the state board.

4 (6) The contractors shall submit, as part of the contract
5 negotiation process, a proposed budget and invoice schedule, that
6 includes a detailed listing of the costs for each component task
7 and the expected date of the invoice for each completed component
8 task.

9 (7) The contract or contracts subject to approval by the
10 Superintendent and the state board under paragraph (1) and exempt
11 under paragraph (2) shall specify the following component tasks,
12 as applicable, that are separate and distinct:

13 (A) Development of new tests or test items.

14 (B) Test materials production or publication.

15 (C) Delivery or electronic distribution of test materials to local
16 educational agencies.

17 (D) Test processing, scoring, and analyses.

18 (E) Reporting of test results to the local educational agencies,
19 including, but not necessarily limited to, all reports specified in
20 this section.

21 (F) Reporting of valid and reliable test results to the department,
22 including, but not necessarily limited to, the following electronic
23 files:

24 (i) Scores aggregated statewide, and by county, school district,
25 school, and grade.

26 (ii) Disaggregated scores based on English proficiency status,
27 gender, ethnicity, socioeconomic disadvantage, foster care status,
28 and special education designation.

29 (G) All other analyses or reports required by the Superintendent
30 to meet the requirements of state and federal law and set forth in
31 the agreement.

32 (H) Technology services to support the activities listed in
33 subparagraphs (A) to (G), inclusive.

34 (I) Perform regular performance checks and load simulations
35 to ensure the integrity and robustness of the technology system
36 used to support the activities listed in subparagraphs (A) to (G),
37 inclusive.

38 *SEC. 26. Section 60643.6 of the Education Code is amended*
39 *to read:*

1 60643.6. A local educational agency shall be reimbursed by
2 the contractor selected pursuant to this article for any unexpected
3 expenses incurred due to scheduling changes that resulted from
4 the late delivery of testing materials in connection with the
5 ~~Measurement of Academic~~ *California Assessment of Student*
6 *Performance and Progress*.

7 *SEC. 27. Section 60648 of the Education Code is amended to*
8 *read:*

9 60648. Exclusive of consortium summative assessments, the
10 Superintendent shall recommend, and the state board shall adopt,
11 performance standards on the ~~Measurement of Academic~~
12 *California Assessment of Student Performance and Progress*
13 summative tests administered pursuant to this article. The
14 performance levels shall identify and establish the minimum
15 performance required for meeting a particular achievement level
16 expectation. Once adopted, these standards shall be reviewed by
17 the state board every five years to determine whether adjustments
18 are necessary.

19 *SEC. 28. Section 60810 of the Education Code, as amended*
20 *by Section 5 of Chapter 478 of the Statutes of 2013, is amended*
21 *to read:*

22 60810. (a) (1) The Superintendent shall review existing tests
23 that assess the English language development of pupils whose
24 primary language is a language other than English. The tests shall
25 include, but not be limited to, an assessment of achievement of
26 these pupils in English reading, speaking, and written skills. The
27 Superintendent shall determine which tests, if any, meet the
28 requirements of subdivisions (b) and (c). If any existing test or
29 series of tests meets these criteria, the Superintendent, with
30 approval of the state board, shall report to the Legislature on its
31 findings and recommendations.

32 (2) If no suitable test exists, the Superintendent shall explore
33 the option of a collaborative effort with other states to develop a
34 test or series of tests and share test development costs. If no suitable
35 test exists, the Superintendent, with approval of the state board,
36 may contract to develop a test or series of tests that meets the
37 criteria of subdivisions (b) and (c) or may contract to modify an
38 existing test or series of tests so that it will meet the requirements
39 of subdivisions (b) and (c).

1 (3) The Superintendent and the state board shall release a request
2 for proposals for the development of the test or series of tests
3 required by this subdivision. The state board shall select a
4 contractor or contractors for the development of the test or series
5 of tests required by this subdivision, to be available for
6 administration during the 2000–01 school year.

7 (4) The Superintendent shall apportion funds appropriated to
8 enable school districts to meet the requirements of subdivision (d).
9 The state board shall establish the amount of funding to be
10 apportioned per test administered, based on a review of the cost
11 per test.

12 (5) An adjustment to the amount of funding to be apportioned
13 per test is not valid without the approval of the Director of Finance.
14 A request for approval of an adjustment to the amount of funding
15 to be apportioned per test shall be submitted in writing to the
16 Director of Finance and the chairpersons of the fiscal committees
17 of both houses of the Legislature with accompanying material
18 justifying the proposed adjustment. The Director of Finance is
19 authorized to approve only those adjustments related to activities
20 required by statute. The Director of Finance shall approve or
21 disapprove the amount within 30 days of receipt of the request and
22 shall notify the chairpersons of the fiscal committees of both houses
23 of the Legislature of the decision.

24 (b) (1) The test or series of tests developed or acquired pursuant
25 to subdivision (a) shall have sufficient range to assess pupils in
26 grades 2 to 12, inclusive, in English listening, speaking, reading,
27 and writing skills. Pupils in kindergarten and grade 1 shall be
28 assessed in English listening and speaking, and, once an assessment
29 is developed, early literacy skills. The early literacy assessment
30 shall be administered for a period of four years beginning after the
31 initial administration of the assessment or until July 1, ~~2014~~, 2017,
32 whichever occurs ~~first~~. *last*. Six months after the three administered
33 assessments are collected, but no later than June 30, 2013, the
34 department shall report to the Legislature on the administration of
35 the kindergarten and grade 1 early literacy assessment results, as
36 well as on the administrative process, in order to determine whether
37 reauthorization of the early literacy assessment is appropriate.

38 (2) In the development and administration of the assessment
39 for pupils in kindergarten and grade 1, the department shall
40 minimize any additional assessment time, to the extent possible.

1 To the extent that it is technically possible, items that are used to
2 assess listening and speaking shall be used to measure early literacy
3 skills. The department shall ensure that the test and procedures for
4 its administration are age and developmentally appropriate. Age
5 and developmentally appropriate procedures for administration
6 may include, but are not limited to, one-on-one administration, a
7 small group setting, and orally responding or circling a response
8 to a question.

9 (c) The test or series of tests shall meet all of the following
10 requirements:

11 (1) Provide sufficient information about pupils at each grade
12 level to determine levels of proficiency ranging from no English
13 proficiency to fluent English proficiency with at least two
14 intermediate levels.

15 (2) Have psychometric properties of reliability and validity
16 deemed adequate by technical experts.

17 (3) Be capable of administration to pupils with any primary
18 language other than English.

19 (4) Be capable of administration by classroom teachers.

20 (5) Yield scores that allow comparison of the growth of a pupil
21 over time, can be tied to readiness for various instructional options,
22 and can be aggregated for use in the evaluation of program
23 effectiveness.

24 (6) Not discriminate on the basis of race, ethnicity, or gender.

25 (7) Be aligned with the standards for English language
26 development adopted by the state board pursuant to Section 60811.

27 (8) Be age and developmentally appropriate for pupils.

28 (d) The test shall be used for the following purposes:

29 (1) To identify pupils who are limited English proficient.

30 (2) To determine the level of English language proficiency of
31 pupils who are limited English proficient.

32 (3) To assess the progress of limited-English-proficient pupils
33 in acquiring the skills of listening, reading, speaking, and writing
34 in English.

35 (e) (1) A pupil in any of grades 3 to 12, inclusive, shall not be
36 required to retake those portions of the test that measure English
37 language skills for which he or she has previously tested as
38 advanced within each appropriate grade span, as determined by
39 the department in accordance with paragraph (8) of subdivision
40 (c).

1 (2) Notwithstanding paragraph (1), a pupil in any of grades 10
2 to 12, inclusive, shall not be required to retake those portions of
3 the test that measure English language skills for which he or she
4 has previously tested as early advanced or advanced.

5 (3) This subdivision shall not be implemented until the test
6 publisher's contract that is in effect on January 1, 2012, expires.

7 (4) This subdivision shall not be implemented unless and until
8 the department receives written documentation from the United
9 States Department of Education that implementation is permitted
10 by federal law.

11 (f) This section shall remain in effect only until the
12 Superintendent reports to the appropriate policy committees of the
13 Legislature pursuant to paragraph (2) of subdivision (h) of Section
14 60810 as added by the chapter that added this subdivision during
15 the 2013–14 Regular Session, and as of January 1 of the following
16 year, this section is repealed.

17 *SEC. 29. If the Commission on State Mandates determines that*
18 *this act contains costs mandated by the state, reimbursement to*
19 *local agencies and school districts for those costs shall be made*
20 *pursuant to Part 7 (commencing with Section 17500) of Division*
21 *4 of Title 2 of the Government Code.*